

I hereby certify that the following documents are being faxed to the USPTO facsimile number (703) 872-9306 on September 13, 2005 by Ramona J. Zaya.

*IFW*  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 13 2005

In re Patent Application of:

Applicant(s): Joseph W. Tsang et al

Date of Mailing: September 13, 2005

Application Number: 10/059693

Filing Date: 01-28-2002

Title: A Co-Catalyst Proton Exchange Membrane Fuel Cell Utilizing Borohydride Fuels

Applicants' Reference Number: 10011434-1

VIA FACSIMILE (703) 872-9306

Mail Stop Petitions  
Commissioner for Patents  
PO Box: 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicant contends that the application is not in fact abandoned (i.e., a reply was in fact filed), and requests withdrawal of the holding of abandonment under 37 C.F.R. § 1.181(a). This petition is being sent via facsimile: 703-872-9306.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. A copy of the Issue Fee Transmittal, confirmation of fax sent, and a copy of the Auto-Reply Transmission from the USPTO dated: January 26, 2005 (Issue Fee Due March 28, 2005). (Marked Exhibit A).
2. A copy of the Notice of Abandonment from the USPTO. (Marked Exhibit B).

Although Applicants believe that this is an error of the Patent Office and that thus no petition fee is due, Applicants hereby authorize the Patent Office to charge Deposit Account 08-2025 for any required fees.

If any issues remain, the Examiner is encouraged to telephone the undersigned at the number listed below.

Hewlett Packard Company  
Legal Department – IPA  
PO Box 272400  
Fort Collins, CO 80527-2400

Respectfully submitted,

Joseph W. Tsang et al

by *David W. Collins*  
David W. Collins, Reg. No.: 26,857  
Attorney for Applicants  
(520) 399-3203

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SEP 19 2005  
OFFICE OF PETITIONS



## Auto-Reply Facsimile Transmission

# Exhibit A



TO: Fax Sender at 6506528063

### **Fax Information**

**Date Received:**

Total Pages:

1/26/2005 5:39:36 PM [Eastern Standard Time]  
1 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.8(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

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## PART B - MAIL TRANSMISSION

Complete and send this form, together with applicable fees, to: Mail

**MAIL STOP ISSUE FEE**  
 Correspondence for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax  
 (703) 235-4600

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and MAIL TRANSMISSION FEES (if required). Item 1 through 5 should be completed when appropriate. All other correspondence (including the Patent, Advance orders and notifications of assignments) and all mail to the Patent Office should be transmitted in accordance with the instructions below or directed otherwise to Block 1, by (a) specifying a new correspondence address under (b) indicating a specific P.O. BOX NUMBER in item 5, or (c) indicating the appropriate correspondence address in item 1 for changed names.

1576 1727264  
**HEWLETT-PACKARD COMPANY**  
 Intellectual Property Administration  
 P.O. Box 272600  
 Fort Collins, CO 80507-2600

Note: A certificate of mailing can only be used for domestic mailing of the Patent Transmittal. This certificate cannot be used for any other correspondence. Please attach a self-addressed envelope with a postage indicia. Mail to the Patent Office is limited to first class postage.

**Certificate of Mailing or Transmission:**  
 I hereby certify that this Patent Transmittal is being transmitted via the United States Postal Service with the following postage. The class will be as indicated in the Mail Stop 1450 box. The postage shown is in cents. This notice is transmitted via telephone to the USPTO (703) 235-4600, on the date indicated below.

*Telephone 1 2005  
 Date Transmitted 2005*

APPLICATION NO.	FILED DATE	FIRST IMAGE IN PCT	EXAMINER'S NAME	CONFIRMATION NO.
10/959,603	01/23/2002	20020124 TUES	PHILLIPS, J.	10211524-1 146

TITLE OF INVENTION: CATALYST, REACTOR &amp; REACTOR MEMBRANE &amp; CELLS, UTILIZING BODINIERIC TOLLS

APPN TYPE	SMALL ENTITY	DETEK NO.	PUBLICATION DATE	ATTORNEY/PALETTA NO.	DATE FILED
provisional	NO	51-400	5/3/03	58700	07/26/02
EXAMINER	ART 1347	CLAUSS, J. A.			
APPLN. FILER'S	1347	437-310000			

- 1 Change of correspondence address or indication of "Fees Address" (37 CFR 1.36).  
 2 Change of correspondence address (or Change of Correspondence Address form PTO/SAC/2) attached.  
 3 The "Address" indicated by "Fees Address" in the form PTO/SAC/2, May 2002, or more recently entered, has a character header is required.
- 3 For mailing on the patent issue stage, for:  
 (1) the names of up to 3 registered patent attorneys or agents OR, respectively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents OR, to whom 3  
 (3) no name will be printed.

## 2 ASSIGNEE NAME AND RESPONDENT DATA TO BE PRINTED ON THE PATENT (print or type)

**MEMO NOTE:** Only an entity as described below, or its parent, may appear on the patent. If no assignee is identified below, the claim(s) that been filed in accordance with 37 CFR 3.14, Compliance of the Patent is NOT a sufficient filing requirement.

## (A) NAME OF ASSIGNEE

Hewlett-Packard Development Company, L.P.

## (B) RESIDENCE, CITY AND STATE OR COUNTRY

Houston, Texas

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government  The assignee (or its parent) are not local.

- 4a. Payment of Filing Fee:  
 A check in the amount of the filing fee is enclosed.  
 Payment by credit card form PTO-848 is enclosed.  
 The Director is hereby authorized by charge the amount of the filing fee, or such amount previously deposited in Deposit Account Number *08-2025* to the credit of the assignee for the copy of this form.

5. Credit Card/Charge Account Number (if any): *3172 1234 5678 9012*  A credit card number is required to satisfy the SMALL ENTITY status. See 37 CFR 1.37(a)(3).  
 The Director reserves the right to require the assignee to pay the filing fee in an entity, if previously paid, for the application listed and above. Notes: The above credit and debit card information will not be stored in any other database by the USPTO or its agents or other party in interest or shared by the submission of the United States Patent and Trademark Office.

6. Authorized Signatures: *David W. Collins* Date *1/26/05* Registration No. *3101854*  
 Typed or printed name: *David W. Collins*

The submission of information is governed by 37 CFR 1.37. The information is received by the public branch or to the best of the USPTO to process as correspondence. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.14. This is not a substitute for a written confidentiality agreement. Any comments on the status of this application should be made on the Office Communication, 445, Department of Commerce, U.S. Patent and Trademark Office, 1450 K Street, N.W., Washington, D.C. 20591-1450. Docket 10211524-1, File 146, Correspondence for Patent, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

PTO-84 (Rev. 1-2003) Approved for use through 04-13-2007 GPO 06-1-001 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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SEP. 13. 2005 2:03PM HP LEGAL

NO. 9687 P. 5



**Exhibit B**

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 09 2005

HP LEGAL  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
IPAD: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
107059,693 ✓	01/28/2002 ✓	Joseph W. Tsang	10011434-1	5926 ✓
7590	09/02/2005			
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			EXAMINER MAPLES, JOHN S	
			ART UNIT 1745	PAPER NUMBER

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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Notice of Abandonment	Application No.	Applicant(s)
	10/059,693	Tsang
	Examiner	Art Unit
	Maples	1745

*- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.*

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
 The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

JW

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.  
 U.S. Patent and Trademark Office  
 PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper

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**Attachment to Notice of Abandonment**

**For questions concerning the notice contact**  
**Office of Patent Publication**  
**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotices.html>

**Respond to the Notice of Abandonment by one of the following:****1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:  
By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:  
By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:  
By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

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